

Exhibit

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U.S. Department of Justice

Criminal Division

Scott Armstrong
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October 4, 2023

SENT VIA E-MAIL

Samuel J. Draddy
Senior Vice President
Financial Industry Regulatory Authority, Inc.
9509 Key West Ave.
Rockville, MD 20850

Re: *United States v. Constantinescu, et al.*, 22-cr-612 (S.D. Tex.)

Dear Mr. Draddy:

The U.S. Department of Justice Fraud Section hereby requests access to the following investigative and other non-public files of FINRA related to the above-captioned matter:

- Documents evidencing the conclusion of investigations or reviews by FINRA's Market Investigations Team during period January 2020 through April 2022 involving:
 - (1) any of the named Defendants in the Superseding Indictment in the above-captioned matter, or
 - (2) any of the stock tickers and for the time period appended as Exhibit 1 to this letter.

This request is made in connection with an ongoing lawful investigation or official proceeding inquiring into potential violations of, or failure to comply with, statutes, or a regulation, rule or order issued pursuant thereto, being conducted by this office. The files and information will be used for the purpose of our investigation and/or proceeding and any resulting proceedings.

We acknowledge, in granting access, that FINRA relies upon the Fraud Section's assurances that the Fraud Section will:

1. provide, to the extent allowable by law and/or regulation, confidential treatment in accordance with the provisions and applicable exemptions established under the Freedom of Information Act;
2. establish and maintain such safeguards as are necessary and appropriate to protect the confidentiality of files to which access is granted and information derived therefrom;
3. make no public use of these files or information without prior approval from FINRA;
4. notify FINRA of any legally enforceable demand for the files or information prior to complying with the demand, and assert such legal exemptions or privileges on FINRA's behalf as FINRA may request; and
5. not grant any other demand or request for the files or information without prior notice or over FINRA's objection.

We further acknowledge that FINRA makes no recommendation with respect to investigation or prosecution by the Fraud Section.

We will inform FINRA in the event that the Fraud Section institutes public proceedings based upon the information obtained through this grant of access.

Should you have any questions, please contact me directly.

Sincerely,

/s/ Scott P. Armstrong

Scott P. Armstrong
Assistant Chief

cc: FINRA
Office of Oversight Liaison and Counsel
CentralAccessGroup@finra.org
(via electronic mail)

Exhibit

1

List of Trial Episodes

Government Exhibit Number	Episode Information
2	Episode 272: Trading in ONTX between July 16, 2020 and August 26, 2020
3	Episode 332: Trading in SXTC between September 11, 2020 and September 14, 2020
4	Episode 91: Trading in CBAT between January 06, 2021 and February 23, 2021
5	Episode 345: Trading in TRCH between February 10, 2021 and February 23, 2021
6	Episode 359: Trading in VISL between February 04, 2021 and March 30, 2021
7	Episode 140: Trading in GTT between February 24, 2021 and February 25, 2021
8	Episode 303: Trading in RGLS between March 11, 2021 and March 12, 2021
9	Episode 304: Trading in RGLS between June 03, 2021 and June 10, 2021
10	Episode 329: Trading in SURF between May 05, 2021 and June 03, 2021
11	Episode 40: Trading in ALZN between June 15, 2021 and July 23, 2021
12	Episode 348: Trading in UPC between July 22, 2021 and July 23, 2021
13	Episode 1: Trading in ABVC between August 10, 2021 and August 11, 2021
14	Episode 94: Trading in CEI between August 03, 2021 and November 30, 2021
15	Episode 111: Trading in DATS between August 13, 2021 and October 26, 2021
16	Episode 236: Trading in NAKD between September 24, 2021 and October 04, 2021
17	Episode 128: Trading in EZFL between September 15, 2021 and October 11, 2021
18	Episode 229: Trading in MYSZ between October 26, 2021 and November 02, 2021
19	Episode 284: Trading in PIXY between March 29, 2022 and March 31, 2022
20	Episode 58: Trading in BBI between April 13, 2022 and April 22, 2022
24	Episode 35: Trading in AIHS between September 22, 2021 and September 24, 2021
26	Episode 57: Trading in BAOS between April 19, 2022 and April 27, 2022
27	Episode 65: Trading in BBLG on January 10, 2022
28	Episode 99: Trading in CNTX between October 20, 2021 and December 21, 2021
29	Episode 130: Trading in FCEL between October 04, 2021 and October 20, 2021
30	Episode 147: Trading in HCWB between October 18, 2021 and October 22, 2021
31	Episode 217: Trading in METX between October 12, 2021 and October 29, 2021
32	Episode 221: Trading in MFH between March 22, 2021 and March 23, 2021
33	Episode 223: Trading in MITQ on July 26, 2021
34	Episode 274: Trading in ONTX between February 03, 2021 and March 19, 2021
35	Episode 312: Trading in SFET between August 06, 2021 and August 09, 2021
36	Episode 321: Trading in SNOA on May 03, 2021
38	Episode 328: Trading in SUPV between February 17, 2021 and February 23, 2021
39	Episode 330: Trading in SURG on November 09, 2021
41	Episode 361: Trading in VRPX between June 30, 2021 and July 15, 2021
43	Episode 390: Trading in XRTX between November 03, 2021 and November 05, 2021
45	Episode 396: Trading in ZSAN between March 21, 2022 and April 05, 2022
356	Episode 5 - ACST - June 03, 2020 to June 05, 2020
368	Episode 17 - ADMP - April 28, 2021 to May 11, 2021
392	Episode 45 - APRE - July 21, 2021
400	Episode 54 - AVGR - November 10, 2020
406	Episode 62 - BBIG - April 21, 2021 to April 23, 2021

457	Episode 117 - DLPN - October 16, 2020 to October 19, 2020
473	Episode 135 - GRTX - October 27, 2021 to October 28, 2021
480	Episode 145 - HCDI - May 10, 2021 to May 12, 2021
481	Episode 146 - HCDI - November 04, 2021 to November 05, 2021
512	Episode 178 - KAVL - October 13, 2021 to October 20, 2021
521	Episode 187 - KIQ - October 20, 2021 to November 18, 2021
525	Episode 191 - KXIN - February 10, 2021 to February 11, 2021
542	Episode 208 - MDRR - March 11, 2021 to March 15, 2021
543	Episode 209 - MDRR - May 07, 2021 to May 17, 2021
566	Episode 237 - NETE - October 13, 2020 to October 14, 2020
573	Episode 244 - NOVN - May 13, 2021
619	Episode 293 - PPSI - January 12, 2021 to January 22, 2021
670	Episode 356 - USEG - March 07, 2022